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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,454	05/25/2006	Ole Noerklit	939-012140-US (PAR)	5077
2512 Perman & Green, LLP 99 Hawley Lane Stratford, CT 06614	7590 09/16/2009		EXAMINER BOCURE, TEFALDET	
			ART UNIT 2611	PAPER NUMBER
			MAIL DATE 09/16/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/525,454

**Applicant(s)**

NOERKLIT, OLE

**Examiner**

Tesfaldet Bocure

**Art Unit**

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/18/05 & 5/25/06.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 18 February 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-20 are pending in this application.

#### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

#### ***Drawings***

4. The drawings are objected to because elements 2-10 in figure 1, elements 21a-21d, 22 and 23 in figure 2 and elements 3—33 in figure 4 should be properly labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement

drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

it is not clear from the disclosure and the claimed "ignoring the lesser member of a pair of peaks for the allocation of paths to rake fingers, if the magnitudes of the peaks of said pair differ in a predetermined manner, so as to exclude spurious paths, the pairs comprising peaks temporally separated by a period characteristic of the separation of main and side lobes of filters for producing the baseband pulse shape expected by the receiver." How is the lesser peak related to the output of the impulse response measurement? What do you mean by "predetermined manner"? How is claimed "the pairs comprising peaks temporally separated by a period characteristic of the separation of main and side lobes of filters for producing the baseband pulse shape--" utilized in defining the to the peak should be accepted or ignored in allocating the Rake fingers? It has been disclosed with respect to fig. 3 in page 5, lines 5-12 that the "---the temporal distance between delays output the impulse measurement process 20 (step s1). If non of these distances is equivalent 1.5 chips (i.e.  $3 \times 0.5$  chips which is the sampling period of the filters in the system), the four delays having the greatest magnitudes are then selected and supplied to respective rake fingers 21a, 21b, 21c, 21d (step s3). Again. in page 5, lines 14-24, "--- The resultant values are compared with 0.0643 (step s5) and, if they are lower, the peak of the current pair having the lower magnitude is removed from the set of 20 peaks output by the impulse response measurement process 22 (step s6). When all of the pairs of 1.5 chip separated peaks have been processed, the best four remaining peaks are selected and the corresponding delays provided to the rake fingers 21a, 21b, 21c, 21d (step s3)---," does it mean that the peak having chip distance value of 1.5 is first measured and then the

magnitude second in order to determine as to which of the delay outputs determine the selection? On the other hand, is it the magnitude first measured and the distance second? Clarification required. It should be noted that the claimed subject matter in claims 1 and 11 is only mentioning the magnitude not the disclosed distance and seems applicant is missing a critical step, step of measuring the distance, unless otherwise the claimed "the pairs comprising peaks temporally separated by a period characteristic of the separation of main and side lobes of filters for producing the baseband pulse shape--" is refereeing to the chip delay.

Examiner is kindly requesting applicant to provide a wave form to understand how the distance and peak values are related in order to understand the claimed and disclosed invention.

Claims 2-10 and 12-20 are inherently rejected as being dependent on the rejected base claims.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. US patent numbers 6,229,842, 6,442,193 and 6,757,345 and US patent publication numbers 2002/0159422 and 2004/0132443 issued to Schilist et al., Hirsch, Heinila, Li et al. and Klein respectively disclose a rake receiver having means for selecting a rake finger to the measured channel response. However, the above cited references fail to teach the claimed "ignoring the lesser member

of a pair of peaks for the allocation of paths to rake fingers, if the magnitudes of the peaks of said pair differ in a predetermined manner, so as to exclude spurious paths, the pairs comprising peaks temporally separated by a period characteristic of the separation of main and side lobes of filters for producing the baseband pulse shape expected by the receiver."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tesfaldet Bocure whose telephone number is (571) 272-3015. The examiner can normally be reached on Mon-Thur (8:00a-5:30p) & Mon.-Fri (8:00a-5:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammed H. Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tesfaldet Bocure/  
Primary Examiner, Art Unit 2611

//T. B./  
Primary Examiner, Art Unit 2611